IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 26751 of 2006(I)

PETITIONER:

POULOSE THOMAS, S/O. THOMAS,
CHITTAYATH HOUSE, NELLIMATTOM P.O.,KUTTAMANGALAM,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

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1. THE KERALA WATER AUTHORITY,
REP. BY ITS MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM.

2. THE ASST. EXECUTIVE ENGINEER,
P.H. SUB DIVISION, KERALA WATER AUTHORITY,
KOTHAMANGALAM.

3. THE SPECIAL TAHSILDAR,
REVENUE RECOVERY, KOTHAMANGALAM.

BY ADV. SRI.M.DINESH, SC
ADV. SHRI.BASANT BALAJI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 26751/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER DATED 24/01/2001 ISSUED by the 2ND RESPONDENT.

P2 : COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR ERNAKULAM DATED 31/03/2001.

P3 : COPY OF THE LETTER DATED 10/05/2005 BY SHRI.T.M.JACOB, M.L.A.

P4 : COPY OF the RESOLUTION OF THE KAVALANGADU GRAMA PANCHAYATH.

P5 : COPIES OF THE RECEIPT SHOWING THE PAYMENT OF WATER CHARGES TO PALARIMANGALAM GRAMA PANCHAYATH SAMITHY.

P6 : COPY OF THE DEMAND NOTICE DATED 07/02/2006 ISSUED BY THE 2ND RESPONDENT.

P7 : COPY OF THE REVENUE RECOVERY DEMAND NOTICE DATED 25/09/2006 SERVED ON THE PETITIONER ON 30/09/2006.

RESPONDENT'S EXHIBITS

R-1 : COPY OF THE RELEVANT PAGE OF THE CPL.

R-1(a) : COPY OF NOTICE DATED 25/11/2000.

R-1(b) : COPY OF LETTER FROM ACCOUNTS MEMBER VIDE NO.KWA/HO/RMC/R3/754/05 DATED 31/01/2006.

R-1(c) : COPY OF REGISTERED A/D NOTICE DATED 07/02/2006.

R-1(d) : COPY OF THE ACKNOWLEDGEMENT CARD OF THE REGISTERED NOTICE SENT ON 07/02/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 26751 of 2006

Dated, this the 22nd day of June, 2007

J U D G M E N T

Petitioner is challenging Ext.P6 demand of arrears of water charges. According to the petitioner, petitioner did not get any water. Water Authority vide Ext.P1 informed the Panchayat the scarcity of water and therefore supply could not be made in general. Learned Standing Counsel submitted that petitioner removed the meter and took connection directly from the main line without the consent of Water Authority. According to him, Panchayat took over the water supply and the arrears are for the period from 2002 to 2004. I do not think petitioner after retaining connection can raise the contention that he was not getting supply of water. It is seen that the water charge for 2002 to 2004 is only for Rs. 2,253/-, which can not be said to be any way excessive. However having regard to the inordinate delay in raising the demand, I cancel the penal and other charges leaving the liability to be settled at Rs. 1,355/-. Petitioner is granted time till 15/09/2007 to clear the arrears. If water supply is retained in that area by the Water Authority, petitioner is entitled to get connection on payment of

arrears and on remitting usual charges for restoration.

This WP(C) is closed as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg